

Appl. No. : 09/651,051
Filed : August 24, 2000

REMARKS

In response to the Office Action mailed April 19, 2004 Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments.

Allowable Subject Matter

Applicant notes with appreciation that the Examiner has indicated that Claims 13-24 and 28 are in condition for allowance.

Claim 26.

Claim 26 stands rejected under 35 U.S.C. 103(a) as unpatentable over Furuharshi (USPN 6,230,684) in view of Rhine (USPN 3,810,581). Claim 26 includes a means-plus-function limitation. For a claim with a means-plus-function limitation, a *prima facie* case requires that the Examiner find a prior art element that performs the function specified in the claim and that structurally is an equivalent of the corresponding structure in Applicant's application. See MPEP 2183. Applicant respectfully submits that the Examiner has not and cannot show that the accumulator 28 and damper 29 disclosed by Furuharshi is equivalent to the corresponding structure described in Applicant's application that reduces "fuel pressure fluctuations within said fuel system through elastic expansion." Nevertheless, Applicant has canceled these claims to advance issuance of the application.

Interview Summary

On March 4, 2004, the Examiner called Applicant's representative, Rabinder N. Narula, to discuss the status of the case. During the interview, the Examiner explained that (i) the Amendment filed December 23, 2003 had been entered, (ii) the Final Rejection of September 4, 2003 had been formally withdrawn, and (iii) a new non-final Office action would be forthcoming. No other issues were discussed.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 19, 2004

By:



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